

House File 32

HOUSE FILE _____
BY LYKAM

(COMPANION TO LSB 1461SS
BY SENG)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to domestic abuse protective orders and animals
2 owned or held by a petitioner, respondent, or minor child of
3 the petitioner or respondent in domestic abuse cases.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1461HH 83
6 rh/nh/5

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1 1 Section 1. Section 236.3, subsection 6, Code 2009, is
1 2 amended to read as follows:
1 3 6. Name and age of each child under eighteen whose welfare
1 4 may be affected by the controversy. The petition may also
1 5 specify and identify each animal owned, possessed, leased,
1 6 kept, or held by the petitioner, respondent, or minor child of
1 7 the petitioner or respondent whose welfare may be affected by
1 8 the controversy.

1 9 Sec. 2. Section 236.4, subsection 2, Code 2009, is amended
1 10 to read as follows:

1 11 2. a. The court may enter any temporary order it deems
1 12 necessary to protect the plaintiff from domestic abuse prior
1 13 to the hearing, upon good cause shown in an ex parte
1 14 proceeding. Present danger of domestic abuse to the plaintiff
1 15 constitutes good cause for purposes of this subsection.

1 16 b. The court may include in the temporary order issued
1 17 pursuant to this subsection a grant to the petitioner of the
1 18 exclusive care, possession, or control of any animal specified
1 19 and identified in the petition that is owned, possessed,
1 20 leased, kept, or held by the petitioner, respondent, or minor
1 21 child of the petitioner or respondent. The court may order
1 22 the respondent to stay away from the animal and forbid the
1 23 respondent from taking, transferring, encumbering, concealing,
1 24 molesting, attacking, striking, threatening, harming, or
1 25 otherwise disposing of the animal.

1 26 Sec. 3. Section 236.5, subsection 2, Code 2009, is amended
1 27 by adding the following new paragraph:

1 28 NEW PARAGRAPH. f. The court may include in an order
1 29 issued pursuant to this section a grant to the petitioner of
1 30 the exclusive care, possession, or control of any animal
1 31 specified and identified in the petition that is owned,
1 32 possessed, leased, kept, or held by the petitioner,
1 33 respondent, or minor child of the petitioner or respondent.
1 34 The court may order the respondent to stay away from the
1 35 animal and forbid the respondent from taking, transferring,
2 1 encumbering, concealing, molesting, attacking, striking,
2 2 threatening, harming, or otherwise disposing of the animal.

2 3 EXPLANATION

2 4 This bill relates to domestic abuse protective orders and
2 5 animals owned or held by a petitioner, respondent, or minor
2 6 child of the petitioner or respondent in a domestic abuse
2 7 case.

2 8 The bill provides that a person who files a petition for
2 9 relief from domestic abuse pursuant to Code section 236.3 may
2 10 specify and identify in the petition any animal owned,
2 11 possessed, leased, kept, or held by the petitioner,
2 12 respondent, or minor child of the petitioner or respondent
2 13 whose welfare may be affected by domestic abuse.

2 14 The bill further provides the court may include in both
2 15 temporary and permanent orders issued a grant to the
2 16 petitioner of the exclusive care, possession, or control of

2 17 any animal owned, possessed, leased, kept, or held by the
2 18 petitioner, respondent, or minor child of the petitioner or
2 19 respondent. The court may order the respondent to stay away
2 20 from the animal and forbid the respondent from taking,
2 21 transferring, encumbering, concealing, molesting, attacking,
2 22 striking, threatening, harming, or otherwise disposing of the
2 23 animal.
2 24 LSB 1461HH 83
2 25 rh/nh/5